

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

JOHN D. SINGER, JR.

Claim No. CU - 2181

Decision No. CU-1065

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$22,168.00, was presented by JOHN D. SINGER, JR., and is based upon the asserted loss of certain personal property. Claimant has been a national of the United States since his birth in the United States.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimant contends that he resided at Calle 188 No. 121, Reparto Siboney, Havana, Cuba and that the Cuban Government took his personal property which claimant asserts had been placed in storage with Security Packers of Havana, pending shipment to the United States. In support thereof, the record contains an itemized list of personalty prepared on July 15, 1960, which was submitted to the American Embassy in Havana, Cuba in 1960. In addition, claimant submitted an affidavit of one Frank Bartes, former President of Consolidated Railroads of Cuba; an affidavit of a former neighbor of claimant in Cuba and a personal friend who also resided in Cuba at that time. The record also contains a floor plan of the furnished house, copies of papers filed by claimant with the Department of Treasury, Internal Revenue Service and correspondence with the Department of State.

Based upon all the evidence of record, the Commission finds that claimant was the owner of certain personal property consisting of furniture, furnishings and personal effects which was located in Havana, Cuba.

On December 6, 1961, the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. (See the Claim of Wallace Tabor and Catherine Tabor, FCSC Claim No. CU-0109.)

The record reflects that in October 1961 claimant resided in New Orleans, Louisiana. The Commission finds, in the absence of evidence to the contrary, that the subject personal property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

After consideration of the list of personal property submitted and the values ascribed to each item by claimant together with information available to the Commission concerning the values of furniture and furnishings from 1957 to 1961, the Commission finds that the asserted values are excessive. Accordingly, based upon its independent knowledge of the value of personal property, the fact that said property was purchased mostly in the year 1957 and had depreciated approximately four years before the date of loss, the Commission finds that the subject personalty had the value of \$13,300.00 at the time of loss. The Commission concludes, therefore, that claimant suffered a loss in the amount of \$13,300.00 within the meaning of Title V of the Act as a result of the taking of his personal property by the Government of Cuba.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (See the Claim of Lisle Corporation, FGSC Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

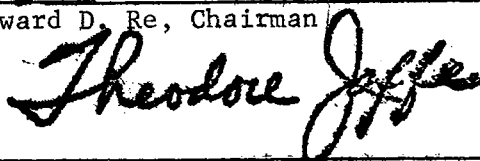
The Commission certifies that JOHN D. SINGER, JR., suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirteen Thousand Three Hundred Dollars (\$13,300.00) with interest thereon at 6% per annum from the date of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

JAN 31 1968



Edward D. Re, Chairman



Theodore Jaffe, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on MAR 4 1968



The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU- 2181